

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

No. 3:08-CR-93-2-BR

| | | |
|---------------------------|---|-----------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| v. |) | <u>PRELIMINARY ORDER OF</u> |
| |) | <u>FORFEITURE</u> |
| DAVID A. HAGEN |) | |

In the Second Superseding Bill of Indictment, the United States sought forfeiture of property of the defendant pursuant to 21 U.S.C. § 853(a) as property that was involved in, was proceeds of, and/or was used to facilitate the crimes charged in Counts One, Two and Three, together with any substitute property, which would be subject to forfeiture under § 853(p). At trial, defendant was convicted on Counts One, Two and Three and was adjudged guilty of the offenses charged in those counts. In addition, the jury returned a special verdict of forfeiture of proceeds in the amount of \$27.6 million as to each of those counts. In accordance with the Court's instructions to the jury, the special verdict amounts for each of the counts should be treated as a single forfeiture in the total amount of \$27.6 million. Based on the evidence presented at trial and the special verdict, this \$27.6 million amount represents the jury's findings as to an amount of criminal proceeds actually received as a result of all three conspiracies. It is therefore ORDERED, ADJUDGED and DECREED that the sum of \$27.6 million, as proceeds of the conspiracies of which the defendant has been convicted in Counts One, Two and

Three, is hereby forfeited to the United States.

This 21 May 2009.

A handwritten signature in green ink, appearing to read "W. Earl Britt", is positioned above a horizontal line.

W. Earl Britt
Senior U.S. District Judge